

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELBERT GILBERT,

Petitioner,

Case No. 1:08-cv-743

v.

Honorable Robert Holmes Bell

JOHN PRELESNIK,

Respondent.

ORDER TO FILE ADDITIONAL RECORDS

This is a habeas corpus action filed by a state prisoner pursuant to 28 U.S.C. § 2254. Respondent has filed an answer to the petition together with records of the state court proceedings in accordance with Rule 5 of the Rules Governing Section 2254 Proceedings; however, the records are incomplete. The answer of Respondent is based, in part, on the contents of Petitioner's motion for relief from judgment that was filed in Emmet County Circuit Court on December 23, 2008, but Respondent failed to file a copy of that motion. Accordingly, pursuant to Rule 5 of the Rules Governing Section 2254 Cases, the Court orders Respondent to furnish a copy of that motion to Court within 14 days.

IT IS SO ORDERED.

Dated: January 12, 2015

/s/ Phillip J. Green
Phillip J. Green
United States Magistrate Judge